

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MIDWEST ATHLETICS AND
SPORTS ALLIANCE LLC,**

Plaintiff,

v.

RICOH USA, INC.,

Defendant.

Case No. 2:19-cv-00514-JDW

ORDER

AND NOW, this 12th day of May, 2021, upon consideration of Defendant Ricoh USA, Inc.'s Motion to Strike Plaintiff MASA's New Infringement Theories (ECF No. 194), and for the reasons set forth in the accompanying Memorandum, it is **ORDERED** that the Motion is **DENIED**.

It is **FURTHER ORDERED** as follows:

1. The Parties shall meet and confer concerning what additional discovery, if any, Ricoh proposes to take to cure any prejudice that arises from MASA's late disclosures of new infringement theories (as set forth in the Court's accompanying Memorandum);
2. On or before May 21, 2021, the Parties shall file a joint status report setting forth the scope of additional fact and expert discovery necessary, the deadlines to complete that discovery, and any other action necessary for Ricoh to defend itself against MASA's new infringement theories (the "Cure Procedures");

3. The Parties shall advise the Court as to whether the Cure Procedures have any impact on the pending motions for summary judgment and, if so, whether the Court should hold those motions in abeyance until the Cure Procedures are complete; and

4. Pursuant to Fed. R. Civ. P. 37(c)(1)(A), MASA shall pay all of Ricoh's reasonable attorneys' fees and costs incurred as a result of the Cure Procedures. Ricoh may submit a fee petition to the Court once those procedures are complete.

BY THE COURT:

/s/ Joshua D. Wolson
JOSHUA D. WOLSON, J.